



#27/E
PATENT
Attorney Docket No. 106.48

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Joshua D. KAPLAN)

Application No.: 09/412,404)

Filed: October 5, 1999)

For: **NETWORK APPARATUS AND**)
METHOD FOR PREVIEW OF)
MUSIC PRODUCTS AND COMP-)
ILATION OF MARKET DATA)

Examiner: FADOK, Mark A. J.E. 11-30-04

Art Unit: 3625

RESPONSE TO OFFICE ACTION
DATED APRIL 4, 2003

CERTIFICATION UNDER 37 CFR §1.10

I hereby certify that this document was deposited with the U.S. Postal Service on this date July 9, 2004, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Teri Nelmark

Teri Nelmark

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed April 3, 2003, applicant submits this Amendment and Response for further consideration. This paper is being filed along with a Petition for Revival of an Application for Patent Abandoned Unintentionally and a Request for Continued Examination with the appropriate fees. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Appendix 1, starting after page 15 of this paper, is a copy of selected portions of the deposition transcript of Peter T. Bowman taken in Intouch Group, Inc. v. Amazon.com, Inc. et al., Civil Action No. C 00-1156 DLJ.

Appendix 2, is a copy of excerpts from the Supplemental Declaration of Jeffrey Magill submitted in Intouch Group, Inc. v. Amazon.com, Inc. et al., Civil Action No. C 00-1156 DLJ.